

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**GULF COAST COMMUNITY
HOSPITAL, INC.**

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PLAINTIFF

v.

CAUSE NO. 1:04CV881

EVERETT J. KENNEDY

DEFENDANT

**ORDER ADOPTING FINDINGS OF FACT AND RECOMMENDATION
GRANTING MOTION FOR SANCTIONS AND ENTERING
DEFAULT JUDGMENT AGAINST DEFENDANT**

This cause comes before the Court on the Report and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on January 11, 2006. The court record reveals that the Defendant has failed to comply with the Court's orders requiring him to show cause why default judgment should not be entered against him; therefore, the Court finds that the Magistrate Judge properly recommended that Plaintiff's Motion for sanctions be granted, default judgment against Defendant Everett J. Kennedy be entered, and damages in the amount of \$689,532.19 be awarded to the Plaintiff. After review of this matter, no objections having been filed to the Findings of Fact and Recommendation, the Court, being duly advised in the premises, finds that said Findings of Fact and Recommendation should be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on January 11, 2006 [33] be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's Motion for Sanctions [27] is **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED that Default Judgment is hereby entered against Defendant Everett J. Kennedy pursuant to FED. R. CIV. P. 37(b)(2)(C). A separate Judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 17th day of March, 2006.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE